

REMARKS

Reconsideration of the present application, as amended, is respectfully requested. Applicants acknowledge with appreciation the Examiner's indication in the instant Office Action that claims 13-14 have been allowed and that claims 5-7 and 25-27 would be allowable if rewritten in independent form to include all of the limitations of the base claim and any intervening claims.

I. STATUS OF THE CLAIMS

Claims 3-7, 13, 14 and 22-31 are pending in this application. Claims 3-7 and 22-31 have been amended to more particularly point out and distinctly claim that which Applicants regard as their invention. Claims 13 and 14 have been allowed. New claims 32-35 have been added.

Support for the above amendments and new claims may be found throughout the specification as originally filed. No new matter has been added by virtue of this amendment.

II. OBJECTION TO THE DRAWINGS

The drawings have been objected to under 37 C.F.R. 1.83(a). The Examiner alleges that the drawings fail to show a third spacer having a height equal to or lower than the second spacer as recited in claim 28 or wherein the height of the third spacer is equal to the height of the second spacer as recited in claim 29.

In response, Applicants disagree with the Examiner's position that all of the features recited in the claims must also always be specifically illustrated in the drawings. However, in order to expedite prosecution of the present application, a new drawing sheet in compliance with 37 C.F.R. 1.84, 37 C.F.R. 1.121(d) and MPEP 608.02(p) has been attached herewith containing "Fig 13A".

The following description set forth below is meant for illustrative purposes only and is in no way meant to limit the scope of the present invention. For example, Fig. 12 depicts a first spacer, e.g. spacer 323, a second spacer, e.g. spacer 322 and a third spacer, e.g. spacer 321. In Fig. 12, the second spacer (e.g. spacer 322) has a height lower than the first spacer (e.g. spacer 323). In addition, the third spacer (e.g. spacer 321) has a height lower than the second spacer (e.g. spacer 322).

Additionally, Fig. 13A submitted on the new sheet attached herewith, depicts a first spacer (e.g. spacer 321), a second spacer (e.g. spacer 322) and a third spacer (e.g. spacer 323). In Fig. 13A, the second spacer (e.g. spacer 322) has a height lower than the first spacer (e.g. spacer 321). Also, the third spacer (e.g. spacer 323) has a height equal to the second spacer (e.g. spacer 322).

Thus, clearly all of the features recited in claims 28 and 29 are illustrated in the figures of the present application. Therefore, removal of the above objection to the drawings is requested.

III. 35 U.S.C. 112, FIRST PARAGRAPH REJECTIONS

Claims 28 and 29 were rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. It appears the above rejection is essentially based upon the Examiners reasoning that the present specification fails to provide an enabling disclosure with regard to *a third spacer having a height lower than a second spacer or the height of the third spacer being equal to the height of the second spacer*.

Applicants disagree with the Examiner that claims 28 and 29 fail to comply with the enablement requirement of 35 U.S.C. 112, first paragraph.

The test of enablement is whether one reasonably skilled in the art could make or use the invention from the disclosures in the patent application coupled with information known in the art without undue experimentation. (See MPEP 2164.01)

The description set forth below is for illustrative purposes only and is in no way meant to limit the scope of the present invention.

The present specification clearly sets forth, for example, how to make spacers of varying heights using an exposure mask 60, 70 and a photosresist 59. (See, e.g., **pages, 7, 8 and page 17 of the present specification**). In addition, the present specification also discusses and illustrates, for example, a second spacer (e.g. spacer 322) having a height lower than a first spacer (e.g. spacer 323) and a third spacer (e.g. spacer 321) having a height lower than a second spacer (e.g. spacer 322). (See e.g., page 16, lines 3-10, lines 21-23, **Fig. 12 and originally filed claim 8 of the present specification**). Moreover, the present specification also discusses, for example, that the heights of the second and third spacers can be made equal to one another. (See page 16, lines 23-24 and **originally filed claim 9 of the present specification**).

Thus, at the very least, based upon the above-mentioned disclosure of the present application, one skilled in the art would readily understand how to make and use spacers having all of the features recited in claims 28 and 29 without any undue experimentation. Withdrawal of the above rejections to claims 28 and 29 is therefore requested.

IV. OBJECTION TO THE CLAIMS

Claims 3 and 22 were objected to on the grounds that the expression "formed on the panel for supporting the panel" is unclear.

In response, Applicants note that although Applicants disagree with the Examiner, claims 3 and 22 have been amended herewith to delete the expression "formed on the panel for supporting the panel" from claims 3 and 22, in order to expedite the prosecution of the present application.

Accordingly, it is believed based upon the above actions taken that the above objections have been overcome and thus removal of these objections to claims 3 and 22 is requested.

V. 35 U.S.C. 102(b) and 35 U.S.C. 103(a) REJECTIONS

(i) Claims 3, 22, 23 and 30 were rejected under 35 U.S.C. §102(b) as being anticipated by JP 2002-031805.

(ii) Claims 22, 28 and 30 have been rejected under 35 U.S.C. §102(b) as being anticipated by JP 11-264968.

(iii) Claim 4 has been rejected under 35 U.S.C. 103(a) as being unpatentable over JP 2002-031805.

(iv) Claims 24 and 29 have been rejected under 35 U.S.C. 103(a) as being unpatentable over JP 11-264968.

(v) Claim 31 has been rejected under 35 U.S.C. §103(a) as being unpatentable over JP-11-264968 in view of U.S. Patent No. 6,870,593 B2 to Satoh (hereinafter Satoh).

In order for a claim to be rendered unpatentable by the cited art, the cited art must either (i) anticipate the claim or otherwise (ii) render the claim obvious. A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference. (See MPEP 2133, *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). Alternatively, to establish prima facie obviousness of a claimed invention, all of the claim limitations must be taught or suggested by the cited reference or references: (See MPEP 2143.03; *In re Royka*, 490 F.2d 981, 180 USPQ 580 (CCPA 1974)).

However, it is submitted that JP 2002-031805, JP 11-264968 and Satoh each fail to teach or suggest all of the features recited in amended claims 3 and 22 for at least the reasons set forth below.

In particular, JP 2002-031805, JP 11-264968 and Satoh each fail to teach or suggest a display device, wherein the spacers comprise a first spacer and a second spacer, and contact areas of the first and the second spacer are different, and at least one of the spacers has a tapered structure, as essentially recited in claim 3. Therefore, withdrawal of the rejection to claim 3 is requested. As claims 4-7 depend from claim 3, withdrawal of the rejection to these dependent claims is likewise requested. New claim 32, which depends from claim 3 is also patentable over the cited art of JP 2002-031805, JP 11-264968 and Satoh for at least the reasons set forth above with regard to claim 3.

Moreover, JP 2002-031805, JP 11-264968 and Satoh each fail to teach or suggest a display device, wherein the spacers comprise a first spacer and a second spacer, and contact areas of the first and second spacers are different, and at least a portion of the spacers is overlapped with the blocking layer, as essentially recited in claim 22. Therefore, withdrawal of the rejection to claim 22 is requested. As claims 23-31 depend from claim 22, withdrawal of the rejection to these dependent claims is likewise requested. Also, new claims 33-34, which depend from claim 22 are also patentable over the cited art of JP 2002-031805, JP 11-264968 and Satoh for at least the reasons set forth above with regard to claim 22.

Lastly, new claim 35 is also patentable over all of the cited art of JP 2002-031805, JP 11-264968 and Satoh. In particular, JP 2002-031805, JP 11-264968 each fail to teach or suggest a display device, wherein the spacers comprise a first spacer and a second spacer, and heights of the first and the second spacer are different, and at least a portion of the spacers is overlapped with the blocking layer, as essentially recited in claim 35.

VI. CONCLUSION:

In summary, applicant respectfully submits that the instant application is in condition for allowance. Early notice to that end is earnestly solicited.

If a telephone conference would be of assistance in furthering prosecution of the subject application, applicant requests that the undersigned be contacted at the number below.

Respectfully submitted,



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